

Purpose: The purpose of the legislation is to give an incentive for the development of community well supply systems as a feasible and economic alternative to development by way of a proliferation of single exempt wells for each home. The legislation also links to the conservation of water in community well settings by restricting the amount of landscaping and garden irrigation that can occur in a development falling within the provisions of the proposed legislation. The potable demands have a very small impact on net depletions; the irrigation component is the greatest cause of net depletion. While the proposed legislation does not provide numerical caps as to homes or lot sizes, larger developments would be forced towards zero-landscaping in order to get a potable supply for domestic use for all the proposed homes.

- Elements:**
1. Development must be outside the boundaries of a controlled ground water area.
 2. Development must use a public water supply system as defined in §75-6-102(13).
 3. A permit is not required before appropriating ground water by means of well of developed spring
 - a. 150 gpm or less
 - b. Not exceeding 20 acre-feet per year
 - c. Garden and landscaping irrigation may not exceed 1/3 acre per lot
 - d. May not have a combined appropriation (same as existing law)
 - e. Must document how the development will fit within the cap on form submitted to DNRC
 - f. Must monitoring rate and volume and submit annual report to DNRC documenting the caps have not been exceeded
 4. If a development obtains an exemption under this proposal, no lot within that development may use the 35gpm/10 acre-foot exemption allowed under the existing law.
 5. A notice of completion would be filed once the public water supply system is in and a certificate of water right issued.
 6. Annual reports would have to be filed with DNRC documenting perfection of the water right up to the statutory limits and documenting the rate and volumes being appropriated during the year.
 7. The development has 20 years to fully perfect the water right; otherwise it lapses by operation of law.
 8. Once perfection occurs or 20 years expires, a notice of perfection must be filed with DNRC and, if necessary, an amended certificate of water right issues.

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